

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICKIE L. HILL,)	CASE NO. 3:11-CV-717-LRH-WGC
)	
Plaintiff,)	MINUTES OF COURT
)	
vs.)	DATE: April 7, 2015
)	
RENE BAKER, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE LARRY R. HICKS, U.S. DISTRICT JUDGE

Deputy Clerk: Dionna Negrete Reporter: Donna Davidson
Counsel for Plaintiff: Pro Se
Counsel for Defendant: Micheline Fairbank, DAG and John Ward, DAG

MINUTES OF JURY TRIAL: (Day 1)

8:42 a.m. Court convenes outside the presence of the prospective jurors. The parties are present. The Court addresses the remaining various motions before the Court. Mr. Hill presents argument regarding the production of Randal Arias by the defense. Ms. Fairbank responds and indicates Randal Arias is a former employee and the last known address has been filed under seal as required by law. The Court addresses the plaintiff and informs him that the burden to serve witnesses for his case is his and not the defense. IT IS ORDERED that the Motion to Quash [#239] is granted without prejudice. The Court places further findings on the record. Defendant's Motion [#240] is argued. IT IS ORDERED that witness Greene currently is not a relevant witness pursuant to his declaration and pursuant to the Court's findings. IT IS FURTHER ORDERED that due to witness Greene still being employed by the state, the Attorney General's Office shall keep in contact with and inquire as to his availability to testify by video should his testimony become material. Defendant's Motion [#241] is argued. IT IS ORDERED that the Attorney General's Office shall inquire regarding Hammock's knowledge of the incident at issue and report to the Court accordingly. The matter stands submitted.

Ms. Fairbank submits to the Court a Stipulation as to Authentic and Admissible Trial Exhibits. The parties and the Court confer further regarding the stipulation. The plaintiff objects to Dr. Koehn as defendant's qualified expert. IT IS ORDERED that Dr. Koehn is a qualified witness and will be allowed to testify.

9:13 a.m. Court stands at recess.

Hill v. Baker
3:11-cv-717-LRH-WGC
Jury Trial Day 1
April 7, 2015
Page 2

9:23 a.m. Court reconvenes in the presence of 36 prospective jurors. The parties are present.

Voir dire oath is administered and 13 prospective jurors are seated; voir dire proceeds.

Counsel exercise peremptory challenges.

The plaintiff objects to one of defendants' peremptory challenge

10:28 a.m. The prospective jurors are admonished and excused. Court remains in session and the plaintiff presents his argument regarding the peremptory challenges. IT IS ORDERED that plaintiff's challenge is DENIED.

10:34 a.m. Court stands at recess.

10:46 a.m. Court reconvenes in the presence of the prospective jurors. 7 jurors are impaneled and sworn. The Court excuses the remaining prospective jurors. The Court instructs the jury on the order of trial proceedings.

Opening statements are presented.

Dr. Michael Koehn is called on behalf of the plaintiff, is sworn and testifies on direct examination. Cross examination by Mr. Ward. Defendant's Exhibit 511 is offered; no objection; Defendant's Exhibit 511 is admitted. Plaintiff later objects to the admission of Defendant's Exhibit 511.

11:41 a.m. The jury is admonished and excused. Court remains in session and arguments are presented as to Defendant's Exhibit 511. IT IS ORDERED that pages 1, 2, and 40 of Defendant's Exhibit 511 are admitted only.

11:54 a.m. The jury enters the courtroom.

Dr. Michael Koehn remains on the witness stand and continues testimony on redirect examination by the plaintiff. Witness is excused.

12:05 p.m. The jury is admonished and excused. Court remains in session and the Court hears further argument regarding objections by the plaintiff to Defendant's Exhibit 511. The Rule of exclusion is invoked. IT IS ORDERED that Defendant's Exhibit 511 is admitted in its entirety.

12:21 p.m. Court stands at recess.

Hill v. Baker
3:11-cv-717-LRH-WGC
Jury Trial Day 1
April 7, 2015
Page 3

1:32 p.m. Court reconvenes. The jury and parties are present.

Ronald Bryant is called on behalf of the plaintiff, is sworn and testifies on direct examination by the plaintiff. The Court questions the witness. Cross examination by Mr. Ward. Redirect examination by the plaintiff. Witness is excused.

Christopher Davis is called on behalf of the plaintiff, is sworn and testifies on direct examination by the plaintiff. Defendant's Exhibit 510 is offered; no objection; Defendant's Exhibit 510 is admitted. Cross examination by Ms. Fairbank. Defendant's Exhibit 508 is offered; objection; Defendant's Exhibit 508 is admitted. Defendant's Exhibit 509 is offered; objection; Defendant's Exhibit 509 is admitted. Defendant's Exhibit 512 is offered; objection; Defendant's Exhibit 512 page 2 only is admitted. Redirect examination by plaintiff. Mr. Hill further requests that Defendant's Exhibit 512 page 2 be redacted as indicated on the record. IT IS SO ORDERED. Plaintiff's Exhibit 9 is offered; objection; the Court reads a portion of the document into the record. Witness is excused.

Paul Malay is called on behalf of the plaintiff, is sworn and testifies on direct examination by the plaintiff.

3:26 p.m. The jury is admonished and excused. Court stands at recess.

3:44 p.m. Court reconvenes. The jury and the parties are present.

Paul Malay resumes the witness stand and continues testimony on direct examination by the plaintiff. Defendant's Exhibit 516 is offered; objection; objection sustained. Cross examination by Mr. Ward. Defendant's Exhibit 501 is offered; objection; Defendant's Exhibit 501 is admitted. Witness is excused. The plaintiff requests a hearing outside the presence of the jury.

4:04 p.m. The jury is admonished and excused. The plaintiff presents argument and requests to enter into evidence Cortney Greene's declaration that is attached to defendant's motion [#240]. Ms. Fairbank responds and does not object. The declaration is marked as Plaintiff's Exhibit 30 and admitted. The plaintiff and the Court confer regarding plaintiff's possible testimony. Plaintiff informs the Court he will testify.

4:11 p.m. The jury enters the courtroom. The parties are present.

The plaintiff is sworn and testifies. Cross examination by Ms. Fairbank. Defendant's Exhibits 515, 516, and 504 are offered; no objection; Defendant's Exhibits 515, 516, and 504 are admitted.

Hill v. Baker
3:11-cv-717-LRH-WGC
Jury Trial Day 1
April 7, 2015
Page 4

IT IS ORDERED that Trial is continued to Wednesday, 4/8/15, at 10:00 a.m.

5:15 p.m. The jury is admonished and excused. Court remains in session. The Court and parties confer regarding scheduling for tomorrow.

IT IS FURTHER ORDERED that the parties shall be present on Wednesday, 4/8/15, at 8:30 a.m. to settle jury instructions.

5:17 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: Dionna Negrete
Deputy Clerk